

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**BILL OF INFORMATION FOR THEFT
CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS**

UNITED STATES OF AMERICA *

CRIMINAL NO.

v.

*** SECTION:**

DWAYNE D. MUHAMMAD

*** VIOLATION: 18 U.S.C. § 666 (a)(1)(A)**

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The Housing Authority of New Orleans (“HANO”), which was created by the State of Louisiana, was a local political subdivision of the State of Louisiana that received federal assistance in excess of \$10,000 annually.

2. Under a program entitled Section 8, the federal government, through the United States Department of Housing and Urban Development (“HUD”) supplies monetary assistance in the form of rental assistance and utility allowances to persons of low and very low income.

3. HUD contracts with the HANO to furnish monetary assistance in the form of rental subsidies to eligible tenant families under its Section 8 program.

4. HANO's selection of tenants for the HUD Section 8 rental subsidy program is subject to compliance with applicable HUD income eligibility criteria, occupancy requirements and other rules and regulations of HUD.

5. Defendant, **DWAYNE D. MUHAMMAD** ("MUHAMMAD"), was an agent of HANO from January of 2002, continuing through August 28, 2009. **MUHAMMAD** acted as the Chief Operating Officer ("COO") for HANO's Housing Choice Voucher program from November 5, 2007 through August 28, 2009. During the time he worked for HANO, **MUHAMMAD** earned the following salaries in the following positions:

Date	Position	Salary
12/17/05 to 4/16/07	Special Programs Manager	\$67,608
4/17/07 to 11/4/07	Director of Management	\$80,004
11/5/07 to 5/29/08	COO of Housing Choice Voucher Program	\$94,992
5/30/08 to 2/15/09	COO of Housing Choice Voucher Program	\$103,992
2/16/09 to 8/28/09	COO of Housing Choice Voucher Program	\$114,400

6. The Housing Choice Voucher Program managed the Section 8 contracts for eligible tenants and properties and determined the eligibility of tenants based on their level of income and the number of household members.

7. For the fiscal years 2007, 2008, 2009 , HUD imposed the following income limits for an eight-person household:

Fiscal Year	Income Limit
2007	\$51,550
2008	\$53,550
2009	\$55,550

8. Households making more than these amounts would have had to have more household members in order to qualify for Section 8 assistance.

9. From on or around January 2007 through August 28, 2009, **MUHAMMAD** lived at 4739 Western Street, New Orleans, Louisiana, 70122 with not more than four household members.

10. During this time period, the residence at 4739 Western Street, New Orleans, Louisiana 70122 was receiving a Section 8 voucher, administered by HANO and the Housing Choice Voucher Program.

B. THE OFFENSE:

From in or near January of 2007, continuing through August 28, 2009, in the Eastern District of Louisiana, and elsewhere, the defendant, **MUHAMMAD**, acting as an authorized representative and agent of HANO did knowingly and wilfully embezzle, steal, obtain by fraud and otherwise unlawfully convert to his own use, property valued at approximately \$45,318.00, which was owned by and under the care, custody and control of HANO.

All in violation of Title 18, United States Code, Section 666 (a)(1)(A)(i)(ii).

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this bill of information are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 666(a)(1) and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

2. As a result of the offense alleged in Count 1, defendant, **MUHAMMAD**, shall forfeit to the United States pursuant to Title 18, United States Code, Section and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461, any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 666(a)(1)(A)(i)(ii), including but not limited to:

a. \$ 45,318.00 in United States Currency and all interest and proceeds traceable thereto.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 666 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

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New Orleans, Louisiana
October 19, 2009